

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:04CR707

Plaintiff

v.

ORDER

Chad William Lamb,

Defendant

This is a criminal case in which the defendant has filed a motion to modify and reduce his sentence.

The defendant contends that his sentence, though imposed after *Booker*, violates that decision. I disagree: at sentencing the *Booker* requirements were followed and satisfied.

The defendant claims that his conduct in prison justifies a reduction in his sentence. He asks, in effect, that this Court serve as a Parole Board. I cannot do so, as the grounds on which a sentence can be altered or reduced are very circumscribed, and the defendant's performance and behavior in prison after his sentencing are not among the grounds on which alteration or reduction can occur.

Finally, the defendant appears to argue that he is not guilty, and that principles of fairness, if properly applied, should lead to a reduction in his sentence.

Petitioner's plea of guilty forecloses reconsideration of the facts and circumstances underlying his conviction.

In light of the foregoing, it is

ORDERED THAT the motion to modify and reduce sentence be, and the same hereby is, overruled. Further, the court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge